

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 46 is cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 1-20, 23, 25, 26, 28, 30-34, and 35 were previously cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claims 21, 22, 24, 27, 29, 36-45, and 47 are pending, of which claim 21 is amended, and 47 is added. Claims 36 and 37 are withdrawn. Claims 21, 36, and 47 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Request for Reconsideration / Reasons for Entry of Amendments

First of all, the Applicants respectfully submit that independent claims 21 and 47 (and the claims depending therefrom) as set forth herein are in condition for allowance, and that the new combinations of references cited in the latest Office Action to reject these claims are not proper and should be withdrawn. (See arguments below.)

By way of this Reply,

independent claim 21 has been amended, and **independent claim 46** has been cancelled to eliminate the subject matter rejected under 35 U.S.C. 112, first and second paragraphs, and

independent claim 47 has been added to set forth subject matter that has been previously examined and that has not been rejected under 35 U.S.C. 112, first and second paragraphs.

All other claims remain as previously presented.

Therefore, it is respectfully requested that this Reply be entered into the Official File in view of the fact that the pending claims automatically place the application in condition for allowance.

Further, all of the subject matter now set forth in each of the pending claims has been fully considered and examined by the Examiner. As such, the pending claims do not raise any new issues that would warrant or require the Examiner to perform an additional search of the related art.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Reply be entered for the purpose of appeal. This Reply was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Request for Examiner Interview

The Applicants respectfully request that the Examiner grant an interview with Applicants' Representative, Carl T. Thomsen, Registration No. 50,786, to discuss the claims filed by way of this Amendment, and to further advance the prosecution of the present application.

The Examiner is encouraged to contact Applicants' Representative, Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) to schedule and interview at his convenience.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 21, 22, 24, 25, 27, 29, and 38-45 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

Regarding Paragraphs 9-10 of the Office Action

In paragraphs 9-10 of the Office Action, the Examiner states that the specification as originally filed does not provide support for a combination of "vinyl ethers, vinyl esters and styrene" in combination with acrylic acids and/or methacrylic acids. This view of the Examiner is kindly rejected.

In response, **independent claims 21** has been amended, and **independent claim 47** has been added to recite, *inter alia*:

"wherein said material is produced by polymerization of a polymerizable mass consisting of

at least one compound selected from the group consisting of aromatic (meth)acrylates, alicyclic (meth)acrylates, polycyclic (meth)acrylates, heterocyclic (meth)acrylates, epoxide acrylates,

or at least one compound selected from the group consisting of vinyl ethers, vinyl esters, and styrene, along with at least one compound selected from the group consisting of aromatic (meth)acrylates, alicyclic (meth)acrylates, polycyclic (meth)acrylates, heterocyclic (meth)acrylates, epoxide acrylates, and

at least one other compound selected from the group consisting of acrylic acid and/or methacrylic acid monomers."

As can be seen, the term "said material is a cured polymerizable mass" in **independent claim 21** has been replaced by "said material is produced by polymerization of a polymerizable mass" in **independent claim 21**.

It is clear from the description (p. 4, 1st and 2nd par.) that acrylic acid and/or methacrylic acid monomers can be combined with at least one compound from the group of acrylates and methacrylates (first Markush group of the amendments).

It is clear from the description (p. 5, 2nd par. and p. 6, 1st par. following the figures on this page) that vinyl ethers, vinyl esters, or styrene can be combined with the mixture of acrylic acid and/or methacrylic acid monomers with at least one compound from the group of acrylates methacrylates (second Markush group of the amendments).

This amendment excludes the combination of vinyl ethers, vinyl esters, or styrene with acrylic acid and/or methacrylic acid monomers without any compounds from the group of acrylates and methacrylates.

Therefore, the Applicants respectfully submit that the rejections in paragraphs 9-10 of the Office Action have been overcome.

Regarding Paragraphs 11-13 of the Office Action

In paragraphs 11-13 of the Office Action, the Examiner states that the "specification as fails to provide support for "0 wt%" of the radiation sensitive initiator."

In the non-final Office Action dated April 15, 2010, the Examiner stated in the last lines of section 10 that a range of "0.0% to 10" would not be supported by the description.

However, no objections can be found in the non-final Office Action regarding the value 0.0% itself, meaning that the ingredient is not included in the mixture (i.e. optional).

Thus, the Applicants understand the non-final Office Action dated April 15, 2010 in a way that the Examiner only objects the interval between 0.0 and 0.1 (0.5, respectively), only, but does not object to the value 0.0% and does not object to the interval 0.1% - 10% (or the other end-values, respectively).

Furthermore, in the Final Office Action dated October 28, 2010, the Examiner stated in paragraph 13 that 'optional' as set forth by the Applicants refers to the whole interval (0.0% - 0.1% to 10%), and that a new range of weight would be created. The Applicants agree with the Examiner on this point. However, the specification does undoubtedly disclose the feature "optionally 0.1% to 10%" (for the example inorganic fillers). This would be the same as the feature an amount of 0.0% or an amount in a range of 0.1% to 10%, since the term 'optionally' means that the mixture comprises either 0.0% (nothing) of the substance, or any value between 0.1% to 10% of the substance.

As noted above, **independent claim 21** has been amended to cancel the last seven thereof, which previously set forth "optional ranges from 0% to 5%, for example.

In addition, **independent claim 47** has been added to recite, *inter alia*:

at least one other compound selected from the group consisting of
acrylic acid and/or methacrylic acid monomers.

a radiation sensitive initiator in an amount ranging from 0.5 to 5% wt. of the polymerizable mass,

an inorganic filler in an amount of 0% wt. or an amount ranging from 0.1% to 10% wt. of the polymerizable mass,

a flame-proofing agent in an amount of 0% wt. or an amount ranging from 0.1% to 10% wt. of the polymerizable mass, and

a colorant in an amount of 0% wt. or an amount ranging from 0.1% to 2% wt. of the polymerizable mass.

At least the reasons above, the Applicants respectfully submit that the rejections of **independent claim 21** (as amended) and **independent claim 47** (as added) based on paragraphs 11-13 of the Office Action have been overcome.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 21, 22, 24, 27, 29, and 38-46 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language is not clearly understood.

In order to overcome this rejection, the Applicants have amended **independent claim 21** and have added **independent claim 47** to include the features suggested by the Examiner in paragraph 15 of the Office Action. The Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicants

Application No. 10/799,724
Reply dated March 28, 2011
Reply to Office Action of October 28, 2011

Docket No. 3868-0156P
Art Unit: 1771
Page 15 of 16

regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

At least for the reasons stated above, **independent claims 21 and 47**, and the claims depending therefrom, are now in condition for allowance.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

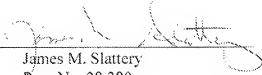
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: March 28, 2011

By


James M. Slattery
Reg. No. 28,380

JMS/CTT/la 

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Attorney for Applicants